

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

MONTEZ WALKER

Plaintiff(s)

vs.

WARDEN, LONDON CORRECTIONAL
INSTITUTION

Defendant(s)

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Case Number: 1:05-cv-00103

Senior District Judge S. Arthur Spiegel

JUDGMENT IN A CIVIL CASE

Decision by Court: This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED

. . . that the Court hereby ADOPTS IN ENTIRETY the Magistrate Judge's Report and Recommendation (doc. 7). The Court further denies with prejudice Petitioner's Petition for Writ of Habeas Corpus (doc. 1) and finds that a certificate of appealability should issue with respect to the constitutional claim alleged in Ground Two challenging the sufficiency of the evidence, which this Court has concluded is barred from review on waiver grounds. However, a certificate of appealability should not issue with respect to the state-law claim alleged in Ground One of the petition, which the Court concludes is also procedurally barred from review. The Court certifies that an appeal of this Order would be taken in good faith, and therefore the Court GRANTS Petitioner leave to appeal in forma pauperis upon a showing of financial necessity.

11/7/06

James Bonini, Clerk

s/Kevin Moser

Kevin Moser
Deputy Clerk